

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VALLEY FORGE INSURANCE)	
COMPANY, a Pennsylvania Corporation)	
)	Civil Action No.: 1:14-cv-792- MRB
Plaintiff,)	
)	Judge Michael R. Barrett
vs.)	
)	
FISHER KLOSTERMAN, INC., a Delaware)	
Corporation)	
)	
Defendant.)	

**PLAINTIFF VALLEY FORGE INSURANCE COMPANY’S
MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Valley Forge Insurance Company (“Valley Forge”), by and through its counsel, requests leave from this Court to file its Amended Complaint, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure. Valley Forge’s proposed Amended Complaint is attached as Exhibit 1 to this Motion.

Valley Forge’s proposed Amended Complaint seeks to add allegations, as an alternative claim, that FKI impaired Valley Forge’s subrogation rights based on the agreement FKI entered into with Valtech Industries, which agreement was recently produced in the case.

In addition, Valley Forge adds/clarifies its alternative claims relating to its breach of the duty to cooperate claim by including allegations that Fisher Klosterman, Inc. (“FKI”) failed to assist Valley Forge in enforcement of FKI’s rights against any person which may be liable to FKI for the Valero Suit. The result of FKI’s failure to assist Valley Forge impaired Valley Forge’s subrogation rights.

Plaintiff's counsel conferred with Defendant's counsel, pursuant to S.D. Ohio Civ. R. 7.3, to determine if Defendant objects to the relief sought through this Motion. Defendant's counsel stated that FKI opposes Valley Forge's Motion.

In support of its Motion, Plaintiff Valley Forge submits its Memorandum of Law in Support, filed concurrently with this Motion.

Dated: February 29, 2016.

Respectfully submitted,

/s/Thomas B. Bruns

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 29, 2016, I electronically filed Valley Forge Insurance Company's Motion for Leave To Amend Complaint with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/Thomas B. Bruns

Thomas B. Bruns (0051212)